

REMARKS

The Examiner has rejected claims 1, 4, 6-14, and 17-20 under 35 U.S.C. §102(b) as anticipated by Yamazaki et al. (U.S. 6,059,057). The Examiner has rejected claims 1, 3, 6-12, 14, and 17-20 under 35 U.S.C. §102(b) as anticipated by Fukuchi et al. (U.S. Patent 5,908,019). The Examiner has rejected claims 2 and 15-16 under 35 U.S.C. §103(a) as being unpatentable over both Yamazaki and Fukuchi in view of Taniguchi (U.S. Patent 5,716,586).

Applicants have amended claims 1, 14, and 19. Claim 1 has been amended to move the phrase: "wherein the method is performed within a predetermined time period after engine start" from the preamble of the claim to the claim elements. Applicants have removed the phrase "is accomplished" from claim 14 to cause the claim to read more clearly. Applicants have amended claim 19 to change "with" to "within," to correct a typographical error. Applicants have cancelled claim 5, thereby rendering Examiner's objection to claim 5 moot. Presently pending in the application are: 1-4 and 6-20.

The Examiner states: "Regarding claims 1, 9-11, and 17-18, Yamayaki discloses a method and apparatus for controlling ... and throttling an air intake of the engine to reduce an intake manifold pressure to a target pressure (e.g., See col. 13, lines 45-67; col. 14, lines 1-50)." Applicants submit that nowhere do Yamayaki et al. discuss "throttling an air intake" or "reducing an intake manifold pressure to a target pressure." The only references to a throttle within all of Yamayaki et al. are to indicate how the throttle valve is connected to a throttle position sensor and a throttle valve motor. Yamayaki et al. do not discuss "throttling an air intake of the engine to reduce an intake manifold pressure to a target pressure," which is a limitation shown by Applicants. Because Yamayaki et al. do not show all of Applicants' limitations, Applicants submit that Yamayaki et al. do not anticipate Applicants' claims 1, 9, or 17. Applicants respectfully request withdrawal of rejections to claim 1, 9, and 17 based on the Yamayaki et al. reference. Furthermore, Applicants request withdrawal of rejections, based on the Yamayaki

et al reference, to claims depending from one of 1, 9, or 17, specifically, 4, 6-8, 10-14, and 18-20.

The Examiner has stated: Regarding claims 1, 9-11, and 17-18, Fukuchi discloses a method for controlling and throttling an air intake of the engine to reduce an intake manifold pressure to a target pressure." Applicants submit that Fukuchi et al. show a bypass valve (32) in a duct (31), which bypasses the throttle valve (3). In the passage cited by the Examiner, col. 3, lines 25-65, does not show "throttling an air intake of the engine to reduce an intake manifold pressure" or "to a target pressure." Instead, Fukuchi et al. show: "The ECU 5 controls control current ICMD to be supplied to a solenoid of the solenoid valve 32, to thereby control the amount of opening of the solenoid valve 32, i.e., the intake air amount." Thus, Fukuchi et al. show controlling the solenoid valve opening, not the throttle valve opening, to control the intake air amount, not the intake manifold pressure. The other passages cited by the Examiner, col. 6, lines 29-67 and col. 7, lines 1-30, do not address the throttle valve or control of the throttle valve. Because Fukuchi et al. do not show all of Applicants' limitations, as shown in independent claims 1, 9, and 17, Fukuchi et al. do not anticipate Applicants' claims 1, 9, and 17 and withdrawal of rejections to these claims is earnestly requested by Applicants. Because Fukuchi et al. do not show all limitations of Applicants' claims 1, 9, and 17 Fukuchi et al. cannot anticipate depending claims 3, 6-8, 10-12, 14, and 18-20. Consequently, Applicants request withdrawal of the Examiner's rejection to these dependent claims based on the Fukuchi et al. reference.

The Examiner has rejected claims 1 and 15-16 as being unpatentable over both Yamazaki and Fukuchi in view of Taniguchi (U.S. 5,716,586). Applicants submit that none of the three references show Applicants' limitation of claim 1 stating: "throttling an air intake of the engine to reduce an intake manifold pressure to a target pressure" or in claim 9: " the controller further closing, partially, the throttle valve." Taniguchi et al. cannot possibly show a limitation including a throttle valve because Taniguchi et al. do not show a throttle valve in the figures or discuss a throttle valve. Because none of the references show this limitation shown in Applicants' claims 1 or 9, no combination of these references can show this

limitation. Applicants, therefore, request withdrawal of the Examiner's rejection of claim 1 and claims 15-16, which depend from claim 9.

No other art is cited in the Office Action. Based on the foregoing comments, the above identified application is believed to be in condition for allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

Please charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No.06-1505.

Respectfully submitted,



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